

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY D. EAGLE,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:10-cv-00212

PATRICK D. CANNON, et al.,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on Defendants Cannon, Pilarski, Zanger, Hull and Heibeck's Motion to Dismiss (Dkt. 6), in this matter which was referred to the undersigned by the Honorable Janet T. Neff. For reasons stated on the record at the hearing held June 18, 2010, the undersigned recommends that the motion be **denied without prejudice**, as Plaintiff will file a motion to amend his complaint within 14 days of the June 18, 2010 hearing.

Respectfully submitted,

Date: June 18, 2010

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).